

AMENDED IN SENATE JULY 8, 1996  
AMENDED IN ASSEMBLY MAY 6, 1996  
AMENDED IN ASSEMBLY APRIL 10, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3241**

**Introduced by Assembly Member Conroy**

February 23, 1996

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An act to amend Sections 8706, 8817, and 8909 of, and to add Section 9202.5 to, the Family Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 3241, as amended, Conroy. Adoption.

Existing law relating to adoption requires a written report on the child's medical background and, if available, the medical background of the child's biological parents, so far as ascertainable, to be submitted to the prospective adoptive parents.

This bill would authorize the biological parents to provide a blood sample, to be stored at an approved laboratory for a period of 18 years following the adoption, and to be used for DNA testing at a later date at the request of the adoptive parents or the adopted child. The bill would provide for a separate fee, in addition to existing statutory fees pertaining to adoptions, to pay for the cost of storing the blood samples, as specified. The bill would provide for access to the blood sample and for the confidentiality of the blood sample and any DNA test results related to the blood sample, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8706 of the Family Code is  
2 amended to read:

3 8706. (a) An agency may not place a child for  
4 adoption unless a written report on the child's medical  
5 background and, if available, the medical background of  
6 the child's biological parents so far as ascertainable, has  
7 been submitted to the prospective adoptive parents and  
8 they have acknowledged in writing the receipt of the  
9 report.

10 (b) The report on the child's background shall contain  
11 all known diagnostic information, including current  
12 medical reports on the child, psychological evaluations,  
13 and scholastic information, as well as all known  
14 information regarding the child's developmental history  
15 and family life.

16 (c) (1) The biological parents may provide a blood  
17 sample at a clinic or hospital approved by the State  
18 Department of Health Services. The biological parents'  
19 failure to provide a blood sample shall not affect the  
20 adoption of the child.

21 (2) The blood sample shall be stored at a laboratory  
22 under contract with the State Department of Health  
23 Services ~~to hold this sample for a period of 18 years~~  
24 ~~following the adoption of the child.~~

25 (3) The purpose of the stored sample of blood is to  
26 provide a blood sample from which DNA testing can be  
27 done at a later date at the request of the adoptive parents  
28 or the adopted child. The cost of storing the blood samples  
29 shall be paid for by a separate fee in addition to the fee  
30 required under Section 8716. The amount of this  
31 additional fee shall be based on the cost of storing the  
32 blood samples but at no time shall the additional fee be  
33 more than one hundred dollars (\$100).

1     (d) (1) *The blood sample shall be stored and released*  
2 *in such a manner as to not identify any party to the*  
3 *adoption.*

4     (2) *Any results of the DNA testing shall be stored and*  
5 *released in such a manner as to not identify any party to*  
6 *the adoption.*

7     SEC. 2. Section 8817 of the Family Code is amended  
8 to read:

9     8817. (a) A written report on the child's medical  
10 background, and if available, the medical background of  
11 the child's biological parents so far as ascertainable, shall  
12 be made by the department or delegated county  
13 adoption agency as part of the study required by Section  
14 8806.

15     (b) The report on the child's background shall contain  
16 all known diagnostic information, including current  
17 medical reports on the child, psychological evaluations,  
18 and scholastic information, as well as all known  
19 information regarding the child's developmental history  
20 and family life.

21     (c) The report shall be submitted to the prospective  
22 adoptive parents who shall acknowledge its receipt in  
23 writing.

24     (d) (1) The biological parents may provide a blood  
25 sample at a clinic or hospital approved by the State  
26 Department of Health Services. The biological parents'  
27 failure to provide a blood sample shall not affect the  
28 adoption of the child.

29     (2) The blood sample shall be stored at a laboratory  
30 under contract with the State Department of Health  
31 Services ~~to hold this sample for a period of 18 years~~  
32 ~~following the adoption of the child.~~

33     (3) The purpose of the stored sample of blood is to  
34 provide a blood sample from which DNA testing can be  
35 done at a later date at the request of the adoptive parents  
36 or the adopted child. The cost of storing the blood samples  
37 shall be paid for by a separate fee in addition to the fee  
38 required under Section 8810. The amount of this  
39 additional fee shall be based on the cost of storing the

1 blood samples but at no time shall the additional fee be  
2 more than one hundred dollars (\$100).

3 *(e) (1) The blood sample shall be stored and released*  
4 *in such a manner as to not identify any party to the*  
5 *adoption.*

6 *(2) Any results of the DNA testing shall be stored and*  
7 *released in such a manner as to not identify any party to*  
8 *the adoption.*

9 SEC. 3. Section 8909 of the Family Code is amended  
10 to read:

11 8909. (a) An agency may not place a child for  
12 adoption unless a written report on the child's medical  
13 background and, if available, the medical background of  
14 the child's biological parents so far as ascertainable, has  
15 been submitted to the prospective adoptive parents and  
16 they have acknowledged in writing the receipt of the  
17 report.

18 (b) The report on the child's background shall contain  
19 all known diagnostic information, including current  
20 medical reports on the child, psychological evaluations,  
21 and scholastic information, as well as all known  
22 information regarding the child's developmental history  
23 and family life.

24 (c) (1) The biological parents may provide a blood  
25 sample at a clinic or hospital approved by the State  
26 Department of Health Services. The biological parents'  
27 failure to provide a blood sample shall not affect the  
28 adoption of the child.

29 (2) The blood sample shall be stored at a laboratory  
30 under contract with the State Department of Health  
31 Services ~~to hold this sample for a period of 18 years~~  
32 ~~following the adoption of the child.~~

33 (3) The purpose of the stored sample of blood is to  
34 provide a blood sample from which DNA testing can be  
35 done at a later date at the request of the adoptive parents  
36 or the adopted child. The cost of storing the blood samples  
37 shall be paid for by a separate fee in addition to any fee  
38 required under Section 8907. The amount of this  
39 additional fee shall be based on the cost of storing the

1 blood samples but at no time shall the additional fee be  
2 more than one hundred dollars (\$100).

3 *(d) (1) The blood sample shall be stored and released*  
4 *in such a manner as to not identify any party to the*  
5 *adoption.*

6 *(2) Any results of the DNA testing shall be stored and*  
7 *released in such a manner as to not identify any party to*  
8 *the adoption.*

9 SEC. 4. Section 9202.5 is added to the Family Code, to  
10 read:

11 9202.5. (a) Notwithstanding any other law, the  
12 laboratory that is storing a blood sample pursuant to  
13 Section 8706, 8817, or 8909 shall provide access to the  
14 blood sample to only the following persons upon the  
15 person's request:

16 (1) A person who has been adopted pursuant to this  
17 part.

18 (2) The adoptive parent of a person under the age of  
19 18 years who has been adopted pursuant to this part. The  
20 adoptive parent may receive access to the blood sample  
21 only after entry of the order of adoption.

22 (b) No person other than the adoptive parent and the  
23 adopted child shall have access to the blood sample or any  
24 DNA test results related to the blood sample, unless the  
25 adoptive parent or the child authorizes another person or  
26 entity to have that access.

